

Remarks

Applicants acknowledge with appreciation the withdrawal of the rejections under § 102 and § 103, and the indication that the claims are free of the prior art of record.

By this Amendment, Applicants have newly canceled claims 2-3, 5, 7-8, 11-22, 32-40, 42-49 and 51. Claims 9-10 and 50 were previously canceled. Applicants maintain the right to pursue the subject matter of any or all of the canceled claims in one or more divisional applications.

In order to expedite prosecution and the allowance of claims, claim 1 is hereby newly amended in accordance with the Examiner's suggestions provided in the paragraph bridging pages 5-6 of the Detailed Action mailed April 9, 2003 (paper number not listed on the cover sheet of the Final Office Action).

Thus, as a result of this Amendment, claims 1 (amended), 4, 6, 23-31, and 41 are presently before the Examiner.

Claim Rejections under 35 U.S.C. § 112

Claims 40 and 51 have been rejected under 35 U.S.C. § 112, first paragraph, as allegedly containing subject matter that was not described in the specification in such a way as to convey to one skilled in the relevant art that the inventors had possession of the claimed invention. In a effort to expedite prosecution and secure allowable claims at this time, Applicants have hereby canceled claims 40 and 51. The Examiner is respectfully requested to withdraw this rejection in view of the cancellation of the rejected claims.

Claims 1, 2, 4-8, 11-18, 23-31, 33, 35-49 and 51 were rejected under 35 U.S.C. § 112, first paragraph, because the specification, while being enabling for a method of increasing the

abundance of germline stem cells in *Drosophila in vivo* comprising ectopically expressing Dpp in germarium cells using hsp70GAL4 and UAS-dpp following heat shock, allegedly fails to enable the use of any other transgenic *Drosophila* or the practice of the invention in any other organism. In a effort to expedite prosecution and secure allowable claims at this time, Applicants have hereby amended claim 1 in accordance with the Examiner's suggested claim language in the paragraph bridging pages 5-6 of the Detailed Action of the Final Office Action mailed on April 9, 2003. Furthermore, claims 2, 5, 7-8, 11-18, 33, 35-40, 42-49 and 51 are hereby newly canceled. The Examiner is respectfully requested to withdraw this rejection in view of the amendment to independent claim 1, the only independent claim presently pending, and the cancellation of claims 2, 5, 7-8, 11-18, 33, 35-40, 42-49 and 51.

Claims 40 stands rejected under 35 U.S.C. § 112, first paragraph, as containing subject matter which was not described in the specification so as to enable one skilled in the art to make and/or use the invention. In a effort to expedite prosecution and secure allowable claims at this time, Applicants have hereby canceled claim 40. The Examiner is respectfully requested to withdraw this rejection in view of the cancellation of the rejected claim.

Conclusion

This reply is fully responsive to the Office Action dated April 9, 2003. Therefore, a Notice of Allowance is next in order and is respectfully requested.

Except for issue fees payable under 37 CFR §1.18, the commissioner is hereby authorized by this paper to charge any additional fees during the pendency of this application including fees due under 37 CFR §1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This

paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 CFR §1.136(a)(3).

If the Examiner has any further questions relating to this Reply or to the application in general, he[she] is respectfully requested to contact the undersigned by telephone so that allowance of the present application may be expedited.

Respectfully submitted,



Erich E. Veitenheimer

Reg. No. 40,420

Dated: September 15, 2003

CUSTOMER NO.: 009629

MORGAN, LEWIS & BOCKIUS LLP

1111 Pennsylvania Avenue, N.W.

Washington, D.C. 20004

Telephone: 202-739-3000

Facsimile: 202-739-3001